

In re: Aupperle et al.
Serial No.: 09/938,966
Filed: August 24, 2001
Page 11 of 15

REMARKS

In the Office Action dated March 13, 2006, claims 1-5, 7-15, 17-20, 31-33, 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Internetwork Infrastructure Requirements for Virtual Environments," by Brutzman et al. and U.S. Patent No. 6,684,257 to Camut et al.; claims 21-25, 27-30 and 42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brutzman et al. document and U.S. Patent 6,928,471 to Pabari et al.; and claims 35, 36, 38 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brutzman et al. document and U.S. Patent 6,631,408 to Welter et al. The Office Action indicates that claims 6, 16, 26, 33, 34 and 37 are directed to allowable subject matter and would be allowable if rewritten in independent form. It is noted that claim 33 has been both rejected and indicated as containing allowable subject matter. Clarification regarding this claim is respectfully requested.

With this paper, claims 1, 11 and 21 have been amended to recite the limitation "the at least one functional characteristic corresponding to at least one function that may be performed by the web site or supported by the web site." A similar limitation was added to claim 35. Support for these limitations can be found in the specification on page 8, lines 22-25. Further with this paper, claims 3, 4, 9, 13, 14, 23 and 24 have been amended to clarify the subject matter set out in those claims. No new matter is involved.

Claim 1, as currently amended, recites:

A computer implemented method of identifying web sites,
comprising:
 identifying at least one functional characteristic of a web site
 to be tested, the at least one functional characteristic
 corresponding to at least one function that may be performed by
 the web site or supported by the web site;
 retrieving content for a the web site;
 testing the content of the web site for a presence of the at least
 one functional characteristic; and
 storing results of the testing of the content of the web site.

Independent claim 11 recites similar subject matter. The Office Action states on page 4 with regards to claim 1:

In re: Aupperle et al.
Serial No.: 09/938,966
Filed: August 24, 2001
Page 12 of 15

identifying at least one functional characteristic to be tested (Brutzman: pg 95, right column, 3rd paragraph); retrieving content for a web site (Brutzman: pg. 97, "World Wide Web" paragraph, lines 19-20); testing the content of the web site (Camut: abstract) for the presence of the at least one functional characteristic (Brutzman: pg. 95, right column 3rd paragraph)

The Brutzman et al. document provides a discussion of internetwork infrastructure requirements for virtual environments. Nowhere does the Brutzman et al. document, including p. 95, right column, ¶ 3 and p. 97, left column, first full paragraph, disclose, teach or suggest identifying at least one functional characteristic of a web site to be tested, wherein the at least one functional characteristic corresponds to at least one function that may be performed by the web site or supported by the web site.

Camut et al. teach sending simulated HTTP requests to Web servers. Each request includes a header containing information about a pervasive computing device. An HTTP response to each HTTP request is received and includes Web content tailored for display by a pervasive computing device corresponding to the simulated request header. Each HTTP response is compared to an expected HTTP response. If the HTTP response does not compare favorably to the expected response, the response is saved for later analysis, see column 4, lines 12-21. Comparing an HTTP response including Web content tailored for display by a pervasive computing device with an expected response does not comprise testing the content of a web site for a presence of at least one functional characteristic, wherein the at least one functional characteristic corresponds to at least one function that may be performed by the web site or supported by the web site, as required by claims 1 and 11.

It is submitted that one skilled in the art would not have been motivated from the teachings of the Brutzman et al. document to modify the Camut et al. system to test the content of a "web site for a presence of the at least one functional characteristic," wherein the at least one functional characteristic corresponds to at least one function that may be performed by the web site or supported by the web site. The Brutzman et al. document lacks a discussion of testing content of a web site for a presence of at least one functional characteristic, wherein the at least one functional characteristic corresponds to at least

In re: Aupperle et al.
Serial No.: 09/938,966
Filed: August 24, 2001
Page 13 of 15

one function that may be performed by the web site or supported by the web site. The Camut et al. patent also lacks a teaching of this aspect of the present invention.

For these reasons, it is submitted that the Brutzman et al. document and the Camut et al. patent, whether taken singly or in combination, do not disclose, teach or suggest the subject matter set out in independent claims 1 and 11 and dependent claims 2-10, 12-20, 40 and 41.

Claim 31 recites:

A computer implemented method of identifying web sites, comprising:
receiving a search request including a designation of one or more web site functional characteristics;
searching a web site functional characteristics database based on the search request; and
returning results of searching the web site functional characteristics database to thereby identify zero or more web sites having or not having the designated one or more web site functional characteristics.

Nowhere do the Brutzman et al. document and Camut et al. patent disclose, teach or suggest searching a web site functional characteristics database based on a search request including a designation of one or more web site functional characteristics, as required by claim 31. Nor do these documents disclose, teach or suggest returning results of searching a web site functional characteristics database. Accordingly, it is submitted that the Brutzman et al. document and the Camut et al. patent, whether taken singly or in combination, do not disclose, teach or suggest the subject matter set out in independent claim 31 and dependent claims 32-34.

As noted above, claims 21-25, 27-30 and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brutzman et al. document and U.S. Patent 6,928,471 to Pabari et al.

Independent claim 21, as amended, recites:

An apparatus for identifying web sites, comprising:
a network interface;
a database interface; and

In re: Aupperle et al.
Serial No.: 09/938,966
Filed: August 24, 2001
Page 14 of 15

a web site content analysis engine coupled to the network interface and the database interface, wherein the web site content analysis engine identifies at least one functional characteristic of a web site to be tested, the at least one functional characteristic corresponding to at least one function that may be performed by the web site or supported by the web site, retrieves content for a the web site via the network interface, tests the content of the web site for a presence of the at least one functional characteristic, and stores results of the testing of the content of the web site via the database interface.

The Pabari et al. patent discloses an apparatus for measurement, analysis and optimization of content delivery over a communications network. Nowhere do Pabari et al. disclose, teach or suggest testing the content of a web site for a presence of at least one functional characteristic corresponding to at least one function that may be performed by the web site or supported by the web site. Nor does the Brutzman et al. document disclose, teach or suggest this aspect of the present invention. It is further noted that Pabari et al. do not disclose, teach or suggest storing results of the testing of the content of a web site for the presence of at least one functional characteristic. Brutzman et al. also fail to disclose, teach or suggest this aspect of the present invention. Accordingly, it is submitted that the Brutzman et al. document and the Pabari et al. patent, whether taken singly or in combination, do not disclose, teach or suggest the subject matter set out in independent claim 21 and dependent claims 22-30 and 42.

As noted above, claims 35, 36, 38 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brutzman et al. document and U.S. Patent 6,631,408 to Welter et al.

Independent claim 35, as amended, recites:

A data structure having entries corresponding to web sites for use by a computing device to identify web sites based on functional characteristics, each entry comprising:

a web site identifier field for identifying a web site; and
one or more functional characteristic fields for identifying one or more functional characteristics of the web site corresponding to one or more functions that may be performed by the web site or supported by the web site and identified in the web site identifier field.

In re: Aupperle et al.
Serial No.: 09/938,966
Filed: August 24, 2001
Page 15 of 15

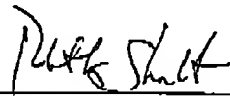
U.S. Patent No. 6,631,408 to Welter et al. teaches initiating an HTTP communication with a web site, receiving HTML data from the web site, analyzing the HTML data for errors, and storing the results in a database, see column 3, lines 4-10. The '408 patent teaches that the received HTML data is analyzed for errors by using methods such as matching against string values, regular expressions, and calculated values, see column 8, lines 9-14. Nowhere does the Welter et al. patent disclose, teach or suggest providing a data structure having entries, each of which comprises "one or more functional characteristic fields for identifying one or more functional characteristics of [a] web site corresponding to one or more functions that may be performed by the web site or supported by the web site." Nor does the Brutzman et al. document disclose, teach or suggest this aspect of the present invention. Accordingly, it is submitted that the Brutzman et al. document and the Welter et al. patent, whether taken singly or in combination, do not disclose, teach or suggest the subject matter set out in independent claim 35 and dependent claims 36-39.

CONCLUSION

In light of the above discussion and amendments, applicants submit that the present application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

STEVENS & SHOWALTER, L.L.P.

By 
Robert L. Showalter
Reg. No. 33,579

7019 Corporate Way
Dayton, OH 45459-4238
Telephone: 937/438-6848
Fax: 937/438-2124
Email: rshowalter@sspatlaw.com